

**Matthew S. Hale, Esq.  
HALE & ASSOCIATES  
Calif. State Bar No. 136690  
45 Rivermont Drive  
Newport News, VA 23601**

**Mailing Address:  
P.O. Box 1951  
Newport News, VA 23601**

**Telephone No. (757) 596-1143  
E-Mail: matthale@verizon.net**

**Attorney for Plaintiff DAVID J. LEE**

**UNITED STATES DISTRICT COURT**

## **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**DAVID J. LEE, an individual and, on behalf of others similarly situated.**

) Case No.: C-07-4599 - MHP  
)  
)  
**PLAINTIFF'S NOTICE OF**  
**ADMINISTRATIVE MOTION AND**  
**MOTION FOR ENLARGEMENT OF**  
**PAGE LIMITS FOR BRIEFING OF**  
**PLAINTIFF'S OPPOSITION TO**  
**DEFENDANTS' MOTION TO DISMISS**

**CAPITAL ONE BANK and CAPITAL  
ONE SERVICES, INC., Virginia  
corporations, DOES 1 through 100,  
inclusive,**

) [Local Rule 7-11]  
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### **Defendants.**

1 TO DEFENDANTS CAPITAL ONE BANK and CAPITAL ONE SERVICES, INC.  
 2  
 3 AND THEIR ATTORNEYS OF RECORD:

4 PLEASE TAKE NOTICE that Plaintiff will and does hereby submits this Motion  
 5 requesting that the Court grant leave for Plaintiff to file his Opposition to the Defendants'  
 6 Motion to Dismiss in excess of the twenty-five (25) page limit by six (6) pages.

7 Pursuant to Local Rule 7-11, this Administrative Motion is made on the grounds that  
 8 Defendants' Motion to Dismiss involves numerous complex legal issues that necessitate the  
 9 Reply to exceed the twenty-five (25) page limit. The Court and the parties would be best served  
 10 by allowing the Plaintiff to file his Opposition six (6) pages in excess of the relevant page limit,  
 11 so that all the legal issues may be adequately addressed.

12 Prior to the filing of this Motion, Plaintiff's counsel sought out the consent of the  
 13 Defendants' counsel to exceed, by six (6) pages, the relevant page limit in connection with the  
 14 filing of his client's Opposition to the Defendants' Motion to Dismiss. In response, Defense  
 15 counsel advised the Plaintiff's attorney, by e-mail, that the Defendants would not oppose the  
 16 Plaintiff's request for extra pages. (See Declaration of Matthew S. Hale, ¶¶ 4 & 5, Exhibits 1 &  
 17 2.)

18 This Motion is based upon this Notice and Motion, the attached Memorandum of Points  
 19 & Authorities, the Declaration of Matthew S. Hale, and the pleadings, records, and files in this  
 20 action, and any such additional evidence and argument as the Court may consider.

21 Dated: January 24, 2008

Respectfully submitted,

22 By: \_\_\_\_\_  
 23  
 24  
 25

Matthew S. Hale, Esq.  
 Counsel for Plaintiff,  
 David J. Lee